

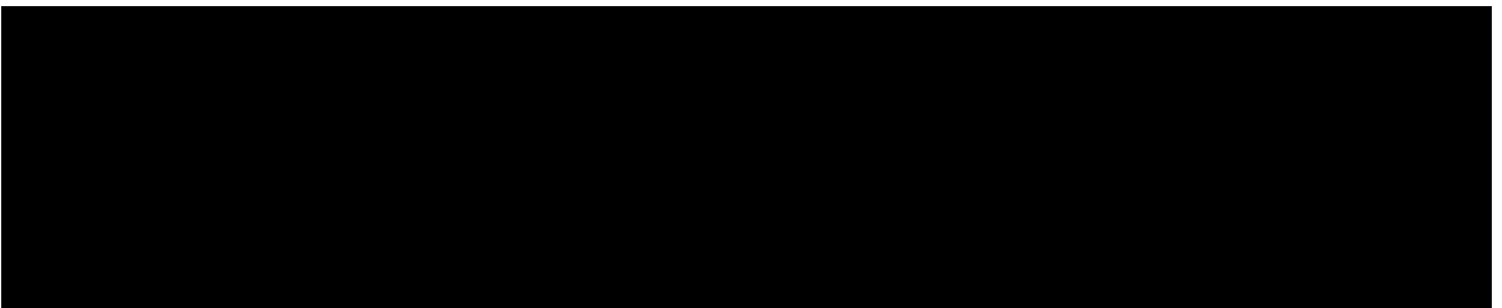
Message

From: Chiccine, Catherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=55AD7B3B57A242A59AFC49CA0CDE192A-CHICCINE, C]
Sent: 5/29/2020 12:40:57 PM
To: Gorham, David S. [DOT] [David.Gorham@iowadot.us]
CC: Rousseau, Matthew [DOT] [Matthew.Rousseau@iowadot.us]
Subject: RE: Citizens Gas & Electric - Superfund Site in Council Bluffs, IA

Dave,

EPA is fine with a 30-day extension until July 1, 2020 for the parties to provide us revisions.

Regarding the City, last week the City provided EPA with a Phase I and Phase II it had done on its parcels before purchasing, which would make it a bona fide prospective purchaser and not a responsible party for the site.



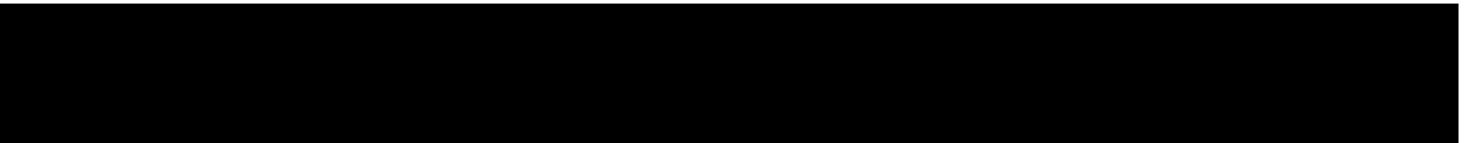
Give me a call if you have any questions or would like to discuss further.

Thanks!

Cathie Chiccine | Attorney-Advisor
United States Environmental Protection Agency, Region 7
913.551.7917 | 11201 Renner Boulevard, Lenexa, Kansas 66219
chiccine.catherine@epa.gov

From: Gorham, David S. [DOT] <David.Gorham@iowadot.us>
Sent: Thursday, May 28, 2020 4:24 PM
To: Chiccine, Catherine <chiccine.catherine@epa.gov>
Cc: Rousseau, Matthew [DOT] <Matthew.Rousseau@iowadot.us>
Subject: RE: Citizens Gas & Electric - Superfund Site in Council Bluffs, IA

Cathie,



I believe June 1 was our deadline to respond to the consent decree. We plan to coordinate the joint revisions of the parties to this agreement. Can we have a 30 day extension to get that done and get it to you? Let me know and if that is OK we will plan to get the revised document to you on or before July 1, 2020. Thanks-Dave.



David S. Gorham
Special Assistant Attorney General
General Counsel Division
Iowa Department of Transportation
800 Lincoln Way, Ames, Iowa 50010
Main: (515) 239-1521 | Direct: (515) 239-1711
Fax: (515) 239-1609
Email: david.gorham@iowadot.us

CONFIDENTIALITY NOTICE: This email message (including any attachments) may be confidential or protected by one or more of the following: the attorney-client privilege, attorney work product doctrine, or applicable laws. If you are not the intended recipient or have received this message in error, please: (1) do not read, print, copy, distribute or use in any way; (2) permanently delete or destroy the message (including any attachments); and (3) notify the sender immediately by reply email or telephone. Any unintended transmission of this email message does not constitute a waiver of any applicable privilege or protection. Thank you.

From: Gorham, David S. [DOT]
Sent: Friday, May 15, 2020 3:24 PM
To: Chiccine, Catherine <chiccine.catherine@epa.gov>
Cc: Rousseau, Matthew [DOT] <Matthew.Rousseau@iowadot.us>
Subject: FW: Citizens Gas & Electric - Superfund Site in Council Bluffs, IA

Cathie,

Thanks for speaking with Matt and I today. Below is the email we sent out. We will keep you informed.

Thanks-Dave.



David S. Gorham
Special Assistant Attorney General
General Counsel Division
Iowa Department of Transportation
800 Lincoln Way, Ames, Iowa 50010
Main: (515) 239-1521 | Direct: (515) 239-1711
Fax: (515) 239-1609
Email: david.gorham@iowadot.us

CONFIDENTIALITY NOTICE: This email message (including any attachments) may be confidential or protected by one or more of the following: the attorney-client privilege, attorney work product doctrine, or applicable laws. If you are not the intended recipient or have received this message in error, please: (1) do not read, print, copy, distribute or use in any way; (2) permanently delete or destroy the message (including any attachments); and (3) notify the sender immediately by reply email or telephone. Any unintended transmission of this email message does not constitute a waiver of any applicable privilege or protection. Thank you.

From: Gorham, David S. [DOT]
Sent: Friday, May 15, 2020 12:07 PM
To: Bruckner, Stephen <SBRUCKNER@FraserStryker.com>; McNamara, Katherine <KMCNAMARA@FraserStryker.com>; Groh, Nathan <Nathan.Groh@blackhillscorp.com>; Barrientos, Brittany A. <brittany.barrientos@stinson.com>; Richard Wade <rwade@councilbluffs-ia.gov>; James R. Talcott Esq. (Jim.Talcott@nngco.com) <Jim.Talcott@nngco.com>; Case, Steven P. <SCase@mcgrathnorth.com>; Foote, Kyle <kyle.foote@stinson.com>; daniel@kohorstlaw.com
Cc: Rousseau, Matthew [DOT] <Matthew.Rousseau@iowadot.us>
Subject: Citizens Gas & Electric - Superfund Site in Council Bluffs, IA

All,

Thanks for participating in the PRP conference call today. The following parties were present:

Iowa Department of Transportation
Omaha Public Power District
City of Council Bluffs
T & A Realty
Black Hills Corp.
Northern Natural Gas

This will confirm the discussion during our conference call. During that call, the Iowa DOT, City of Council Bluffs, T & A Realty and Black Hills Corp. agreed to the following in order to get the EE/CA part of this matter moving forward on a coordinated basis:

1. The parties agree to split the cost of the EE/CA (estimated to be in the \$40,000 to \$70,000 range). The parties will engage in further discussions on the issue of T & A Realty's proportionate share under this cost-sharing agreement;
2. The parties will coordinate their efforts towards necessary revisions to the EPA "Administrative Settlement Agreement and Order on Consent" for the performance of the EE/CA. These revisions will be provided to Iowa DOT. Iowa DOT will incorporate them into one document for approval by the parties and submission to the EPA on behalf of the parties;
3. All of the above will be done without prejudice to the legal rights of any party. All such rights are reserved and not waived as a result of the above-mentioned actions and agreements of the parties. This includes, but is not limited to, any PRP's right to dispute responsibility for any liability in connection with the site.

Omaha Public Power District (OPPD) has, at this time, declined to participate in the above coordinated effort, but will further confer on this issue and advise the parties listed above of any change in its position. Northern Natural Gas is currently undecided as to whether it will participate in the above coordinated effort, but will advise the parties of its decision when that decision is made. MidAmerican was notified of this conference call but declined to participate.

I believe this all accurately captures our discussion. I plan to contact EPA (Catherine Chiccine) today or Monday to convey the above information. I may also inquire as to a 30-day extension of our deadline (which I believe is currently around June 1). I will provide you with any information or feedback I receive from her.

I expect the next step will be to begin gathering your revisions to the consent order so we can get started incorporating those into one document.

Thanks – Dave.



David S. Gorham
Special Assistant Attorney General
General Counsel Division
Iowa Department of Transportation
800 Lincoln Way, Ames, Iowa 50010
Main: (515) 239-1521 | Direct: (515) 239-1711
Fax: (515) 239-1609
Email: david.gorham@iowadot.us

CONFIDENTIALITY NOTICE: This email message (including any attachments) may be confidential or protected by one or more of the following: the attorney-client privilege, attorney work product doctrine, or applicable laws. If you are not the intended recipient or have received this message in error, please: (1) do not read, print, copy, distribute or use in any way; (2) permanently delete or destroy the message (including any attachments); and (3) notify the sender immediately by reply email or telephone. Any unintended transmission of this email message does not constitute a waiver of any applicable privilege or protection. Thank you.

